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September 25, 2018

The Honorable Leonard P. Stark
United States District Court
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *International Business Machines Corporation v. Groupon, Inc.*,
C.A. No. 16-122-LPS-CJB

Dear Chief Judge Stark:

Defendant Groupon, Inc. respectfully requests the scheduling of a dispute teleconference to address a time-sensitive issue that has arisen during the parties' post-trial briefing. The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on Tuesday September 25, 2018:

Delaware Counsel: for Plaintiff: Bindu Palapura
for Defendant: John Day

Lead Counsel: for Plaintiff: Laurie Stempler
for Defendant: Edward Reines

The disputes requiring judicial attention are listed below:

(1) whether Groupon may depose IBM's damages expert to address his Declaration in Support of IBM's Motion for a Determination of an Ongoing Royalty and Pre-Judgment and Post-Judgment Interest (D.I. 420); and

(2) whether to extend the current October 10, 2018 deadline for the parties' responsive briefs by 14 days if Groupon's request for a deposition is granted.

Respectfully,

/s/ John G. Day

John G. Day (#2403)

JGD/nml

cc: All counsel of record (via electronic mail)